

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT  
CLARKSBURG, W.V.  
JAN 28 1997  
NORTHERN DISTRICT OF WEST VIRGINIA  
OFFICE OF THE CLERK

UNITED STATES OF AMERICA, : CRIMINAL ACTION  
Plaintiff, : NO. 1:96CR43-01  
: :  
v. : :  
: :  
JAMES R. ROGERS, : :  
Defendant. : :

**DEFENDANT'S MOTION TO MODIFY  
THE TERMS OF HIS RELEASE ON BAIL**

AND NOW, comes the defendant, JAMES R. ROGERS, by his attorney, GARY B. ZIMMERMAN, and moves this Honorable Court for an Order Modifying the Terms of His Release on Bail.

1. The defendant is the sole owner of a home and real property located at Route 2, Box 196-0, Jane Lew, West Virginia 26328.

2. Pursuant to the order releasing him on bail, the defendant executed an agreement to forfeit his home and real property in the event he failed to appear in court as required.<sup>1</sup>

3. The defendant, a full-time employee for the City of Clarksburg, West Virginia, has been suspended without pay since his arrest.

4. The defendant is now working part-time as a bricklayer.

5. The defendant's finances are quickly being diminished and his wife's salary from a part-time job is insufficient to

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<sup>1</sup> This requirement is set forth at Paragraph (2), page 7, of the Order granting him release on bail dated December 20, 1996.

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meet their monthly expenses.

6. The defendant is unable to use his property at Route 2, Box 196-0, Jane Lew, West Virginia, as collateral for a bill consolidation loan because of the agreement to forfeit and his employment status.

7. The defendant, therefore, wants to transfer the title to his property to his wife and his brother, Stephen Michael Rogers, who is gainfully employed, so they can obtain a bill consolidation loan using the afore-mentioned property as collateral.

8. The defendant is unable to transfer his property because of the bail condition requiring forfeiture of his real property, as set forth above, in the event of his failure to appear.

9. The defendant's father and mother own a home, which is located on real estate at Route 1, Box 159-C, Lost Creek, West Virginia 26385. This property is not encumbered by any mortgage or lien.

10. James D. Rogers and Patricia A. Rogers are willing to sign an agreement to forfeit their property, if the defendant fails to appear as required; thereby, substituting their property for the defendant's property so that the defendant is in compliance with Paragraph 2, page 7, of the order releasing him on bail.

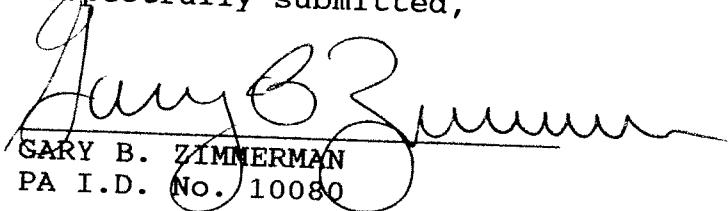
11. David Goodwin, Assistant United States Attorney, has advised counsel for the defendant, during a telephone call on

January 22, 1997, that he does not object to this bond modification.

WHEREFORE, Defendant requests that this Court enter an order vacating the defendant's agreement to forfeit his property at Route 2, Box 196-0, Jane Lew, West Virginia conditioned upon his failure to appear and to substitute an agreement to forfeit the property of his parents, James D. Rogers and Patricia A. Rogers, located at Route 1, Box 159-C, Lost Creek, West Virginia, so that Paragraph 2, page 7, of the order for release on bond is satisfied.

Dated: 1-27-97

Respectfully submitted,

  
GARY B. ZIMMERMAN  
PA I.D. No. 10080

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CERTIFICATE OF SERVICE

On this 27<sup>th</sup> day of January, 1997, I hereby certify  
that a true and correct copy of the foregoing DEFENDANT'S MOTION  
TO MODIFY THE TERMS OF HIS RELEASE ON BAIL was served by regular  
first class, United States mail, upon the following counsel of  
record:

David E. Goodwin  
Assistant U. S. Attorney  
United States Attorney's Office  
Federal Post Office Building  
Post Office Box 750  
Clarksburg, WV 26301

William Cipriani, Esquire  
634 Charles Street  
Wellsburg, WV 26070

Mr. Floyd R. Looker  
Northern Regional Jail  
R.D. #2, Box 1  
Moundsville, WV 26041

GARY B. ZIMMERMAN